IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Crl.MC.No. 1472 of 2007()

CC.79/2006 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR
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PETITIONER: ACCUSED.
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1. SUMAN P.V.,S/O.VISWAMBHARAN,
POOKKATTIL HOUSE,VELLANIKKARA,
THRISSUR.

2. P.J.VISWAMBHARAN, S/O.JAYADEVAN,
-DO-.

3. SULOCHANA P.J.,
W/O.VISWAMBHARAN, -DO-.

4. MANJU P.V., W/O.VISWAMBHARAN, -DO-.

5. SURESH T.V, THOPPIL HOUSE,
NEAR TIRUR TEMPLE-NEAR BUST STOP,
KOLAZHY VILLAGE, THIRSSUR.

6. JAYARAJ.P.V.,S/O.VISWAMBHARAN,
POOKKATTIL HOUSE, VELLANIKKARA,
THIRSSUR.

BY ADV. SRI.K.B.GANGESH

RESPONDENTS: COMPLAINANT.
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1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANNUTHY POLICE STATION, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SOUMYA K.R., D/O.KURUVATH RAVINDRAN,
CHITTILAPPILLY VILLAGE,THIRSSUR.

BY ADV. SRI.JIJO PAUL
PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.1472 Of 2007

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Dated this the 27th day of June, 2007

ORDER

The petitioners face indictment in a prosecution for the offence punishable under Section 498A read with 34 I.P.C. Cognizance has been taken and final report has been filed. Investigation commenced with a private complaint filed by the 2nd respondent. The petitioners and the 2nd respondent have now come before this court through counsel and make a representation that the parties have settled their disputes. Marital tie has now been dissolved. Parties are residing separately.

2. The second respondent has entered appearance through counsel. An affidavit duly attested has been filed by the second respondent. The affidavit shows that the matter has been settled between the parties. The learned counsel for the second respondent vouches for the signature of the second respondent in the affidavit. I am satisfied that the parties have settled their disputes amicably and harmoniously. If legally permissible, I am satisfied that the composition can be accepted and premature termination of the proceedings can be directed.

3. However, the offence under Section 498A I.P.C is not

compoundable. The learned counsel, in these circumstances, rightly relies on the decision in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386]. That decision is authority for the proposition that notwithstanding the provisions of Section 320 Cr.P.C, the powers under Section 482 Cr.P.C can be invoked to bring about premature termination of such prosecution.

4. I am satisfied that this is an eminently fit case where the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can be invoked to bring to premature termination the proceedings against the petitioner initiated by the second respondent.

5. In the result, this Criminal Miscellaneous Case is allowed. C.C.No.79/2006 pending before the Judicial First Class Magistrate Court III, Thrissur shall stand quashed.

(R.BASANT, JUDGE)

sj